



Indiana Department of Environmental Management  
Office of Water Management  
Rule Fact Sheet

October 13, 1999

## Development of A New Rule Establishing Ground Water Quality Standards #97-9 (WPCB)

### Overview

The Indiana Department of Environmental Management (IDEM) has developed a new rule, to be presented to the Water Pollution Control Board on October 13, 1999, for consideration of preliminary adoption, concerning establishment of ground water quality standards.

### Citations Affected

This rulemaking adds new rule 327 IAC 2-11 and repeals 327 IAC 2-1-7 and 327 IAC 2-1.5-9.

### Affected Persons

This rule will potentially affect all facilities, practices, and activities that impact the ground water of the state and are regulated by or under the jurisdiction of the departments of environmental management, natural resources, or health, the state fire marshal, or the state chemist.

### Reason(s) for the Rule

The Ground Water Protection Act of 1989 (IC 13-18-17-5) requires the Water Pollution Control Board to adopt rules under IC 4-22-2 establishing ground water quality standards.

### Economic Impact of the Rule

The establishment of the standards in this rule has no direct economic impact. However, the indirect economic impact of the rule, resulting from the implementation of the standards through other rules, may be considerable for facilities, practices, or activities that impact ground water, just as it may be for those that do so under current statutes and rules.

### Benefits of the Rule

The rule will establish standards for the protection of ground water which is a valuable resource providing the drinking water supply for more than half of Indiana's citizens.

### Description of the Rulemaking Project

This rulemaking began with the October 1, 1997, *Indiana Register* publication of first notice; a previous rulemaking action was initiated with first notice publication on July 1, 1994, but did not come to fruition. The lapse of time caused IDEM to

start the process anew.

The Ground Water Task Force (established by IC 13-18-17-1) formed a work group, in the spring of 1997, to develop ground water quality standards. Stakeholders from a variety of backgrounds, including the regulated community, citizen groups and other state agencies, were invited to participate in the work group meetings, and the meetings were kept open for all to attend. Using the statute as a guide, the work group began discussions on the standards.

The proposed draft is the result of coordination with other affected agencies, stakeholder input, internal work group discussions, and IDEM's interpretation of the statute.

### Scheduled Hearings

First Public Hearing: October 13, 1999, at the WPCB meeting held at the Indiana Government Building South.

### Consideration of Factors Outlined in Indiana Code 13-14-8-4

Indiana Code 13-14-8-4 requires that in adopting rules and establishing standards, the board shall take into account the following:

- 1) All existing physical conditions and the character of the area affected.
- 2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- 3) Zoning classifications.
- 4) The nature of the existing air quality or existing water quality, as appropriate.
- 5) Technical feasibility, including the quality conditions that could be reasonably be achieved through coordinated control of all factors affecting the quality.
- 6) Economic reasonableness of measuring or reducing any particular type of pollution.
- (7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to:
  - (A) human, plant animal, or aquatic life; or
  - (B) the reasonable enjoyment of life and property.

### Rulemaking Process

The first step in the rulemaking process is a first notice published

in the *Indiana Register*. This includes a discussion of issues and opens a first comment period. The second notice is then published which contains the comments and the department's responses from the first comment period, a notice of first meeting/hearing, and the draft rule. The Water Pollution Control Board holds the first meeting/hearing and public comments are heard. The proposed rule is published in the *Indiana Register* after preliminary adoption along with a notice of second meeting/hearing. If the proposed rule is substantively different from the draft rule, a third comment period is required. The second public meeting/hearing is held

and public comments are heard. Once final adoption occurs, the rule becomes effective 30 days after filing with the Secretary of State.

**IDEM Contact**

Additional information regarding this rulemaking action can be obtained from MaryAnn Stevens, Rules Section, Office of Water Management, (317) 232-8635 or (800) 451-6027 (in Indiana).